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This case has been designated as an efiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/efiling.

### STATE OF MICHIGAN

# IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SANDRA LANDAU,

2019-170791-NO

Plaintiff.

-NO

VS.

Case No. 2018-Hon. JUDGE NANCI J. GRANT

TARGET CORPORATION,

Defendant.

MATTHEW NDONWI (P82601) VEN R. JOHNSON (P39219) JOHNSON LAW, PLC Attorneys for Plaintiff 535 Griswold Street, Suite 2632 Detroit, MI 48226 (313) 324-8300 (fax-8301) mndonwi@venjohnsonlaw.com viohnson@venjohnsonlaw.com

# COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence alleged in the complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

> /s/Matthew Ndonwi Matthew Ndonwi (P82601)

Plaintiff, SANDRA LANDAU, by and through her attorneys, JOHNSON LAW, PLC., for her Complaint against Target Corporation, states as follows:

- 1. Plaintiff, Sandra Landau ("Sandra") is a resident of City of Northville, Oakland county, Michigan.
- 2. Defendant, Target Corporation ("Target") is a foreign corporation, which conducts business at 27100 Wixom Road, Novi, Oakland county, Michigan ("Novi Target").

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- 3. On Saturday July 15, 2017, at approximately 10:10 P.M., Sandra and her husband Steve Landau ("Steve") were at Novi Target as business invitees.
- 4. As Sandra and Steve approached the entryway, Steve opened the outside door, which was apparently manual/semiautomatic, for Sandra to walk in.
- Immediately and without warning, the door malfunctioned, quickly closing on Sandra
  while she was still walking through the door way and slammed Sandra on the right side of her
  body.
- 6. As the direct and proximate cause of the above defective condition, Sandra sustained severe and permanent physical and emotional injuries including but not limited to head, neck, right shoulder, ribs, etc.

# **COUNT I - PREMISES LIABILITY**

- 7. Sandra reasserts and realleges the allegations contained in Paragraphs 1 through 6 as if fully set forth herein.
- At all times relevant to this lawsuit, Target owned, possessed, maintained, controlled or otherwise exercised possession and control over Novi Target, where Sandra's accident occurred.
- 9. At all times relevant to this lawsuit, Target owed certain duties to the general public, its invitees, and in particular to Sandra, to keep and maintain its premises in a reasonably safe condition, and to avoid and eliminate the existence of known or reasonably anticipated hazards.
  - 10. Target breached these duties in the following ways, including but not limited to:
    - Negligent failure to safely and timely maintain, handle, fix, repair and/or replace the door at the entryway;
    - b. Negligent failure to inspect the defective premises;

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- Negligent failure to make sure that the doors, at all times, operated
   correctly so as not to cause injury to invitees shopping at the premises;
- d. Negligent failure to timely respond to the malfunctioning doors;
- e. Negligent failure to disable the defective mechanism so it would not snap and close on unsuspecting invitees;
- f. Negligent failure to warn or otherwise caution its invitees as to the defective condition by failing to place safety cones or signs;
- g. Negligent failure to respond to and/or act to eliminate the defective and hazardous condition having active and/or constructive knowledge of the defective and hazardous condition;
- h. Negligent failure to supervise the servicing, maintenance and/or upkeep of the premises to ensure that its condition was safe for use by its invitees and the public;
- i. Negligent failure to regularly inspect the premises/equipment for dangerous and hazardous conditions, including but not limited to the malfunctioning doors;
- j. Negligent failure to properly train, supervise, manage and/or instruct its employees, agents and representatives to inspect and correct defective conditions on the premises;
- k. Negligent failure to create, implement and/or enforce policies and procedures to ensure the safety, maintenance and timely repair of the malfunctioning entryway doors;

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- Creating a dangerous and hazardous condition on the premises or contributing to the creation of a dangerous and hazardous condition on the premises; and
- m. Other breaches and acts of negligence learned through the course of discovery.
- 11. The defective condition on Target's premises was not known to Sandra or Steve, and did not constitute an open and obvious condition because Sandra or Steve could not see upon casual inspection that the door would close on Sandra as she walked through the entry to the Target store.
- 12. As a direct and proximate result of Target's breach of the above duties, Sandra suffered severe, permanent, painful and disabling injuries, including but not limited to:
  - a. Injuries to her head, neck, right shoulder, ribs, etc.;
  - b. Physical pain and suffering;
  - c. Mental anguish;
  - d. Fright and shock;
  - e. Denial of social pleasure and enjoyments;
  - f. Embarrassment, humiliation and/or mortification;
  - g. Aggravation of pre-existing ailment and condition;
  - h. Past and future medical treatment expenses and/or wage loss;
  - i. Disability relating to the above injuries; and
  - j. All other damages learned through the course of discovery.

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WHEREFORE, Sandra Landau respectfully requests judgment in her favor and against Target Corporation in an amount in excess of \$75,000, exclusive of costs, interest and attorney fees so wrongfully incurred.

# COUNT II - NEGLIGENCE/GROSS NEGLIGENCE

- 13. Sandra reasserts and realleges the allegations contained in Paragraphs 1 through 12 of this Complaint as if fully set forth herein.
- 14. At all times relevant to this lawsuit, Target owned, possessed, maintained, controlled or otherwise exercised possession and control over the premises at 27100 Wixom Road, Novi, Michigan, where Sandra's accident occurred.
- 15. At all times relevant to this lawsuit, Target owed certain duties to the general public, its invitees, and in particular to Sandra, to keep its premises in a reasonably safe condition and to avoid and eliminate the existence of known or reasonably anticipated hazards.
  - 16. Target breached these duties in the following ways, including but not limited to:
    - a. Negligent failure to safely and timely handle, fix, repair and/or replace the door at the entryway;
    - b. Negligent failure to inspect the defective premises;
    - Negligent failure to make sure that the automatic doors at all times
      operated correctly so as not to cause injury to invitees shopping at the
      premises;
    - Negligent failure to timely respond to the malfunctioning doors;
    - Negligent failure to disable the defective mechanism so it would not slam on unsuspecting invitees;

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- f. Negligent failure to warn or otherwise caution its invitees as to the defective condition by failing to place safety cones or signs;
- g. Negligent failure to respond to and/or act to eliminate the defective and hazardous condition having active and/or constructive knowledge of the defective and hazardous condition;
- h. Negligent failure to supervise the servicing, maintenance and/or upkeep of the premises to ensure that its condition was safe for use by its invitees and the public;
- Negligent failure to regularly inspect the premises/equipment for dangerous and hazardous conditions, including but not limited to the malfunctioning doors;
- j. Negligent failure to properly train, supervise, manage and/or instruct its employees, agents and representatives to inspect and correct defective conditions on the premises;
- Negligent failure to create, implement and/or enforce policies and procedures to ensure the safety, maintenance and timely repair of the malfunctioning entryway doors;
- Creating a dangerous and hazardous condition on the premises or contributing to the creation of a dangerous and hazardous condition on the premises; and
- m. Other breaches and acts of negligence learned through the course of discovery.

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- 17. The defective condition on Target's premises was not known to Sandra or Steve and did not constitute an open and obvious condition because Sandra or Steve could not see upon casual inspection that the door would close on Sandra as she walked through the entryway to the Novi Target.
- 18. As a direct and proximate result of Target's breach of the above duties, Sandra suffered severe, permanent painful and disabling injuries, including but not limited to:
  - a. Injuries to her head, neck, right shoulder, ribs, etc.;
  - b. Physical pain and suffering;
  - c. Mental anguish;
  - d. Fright and shock;
  - e. Denial of social pleasure and enjoyments;
  - f. Embarrassment, humiliation and/or mortification;
  - g. Aggravation of pre-existing ailment and condition;
  - h. Past and future medical treatment expenses and/or wage loss;
  - i. Disability relating to the above injuries; and
  - i. All other damages learned through the course of discovery.

WHEREFORE, Sandra Landau respectfully requests judgment in her favor and against Target Corporation in an amount in excess of \$75,000, exclusive of costs, interest and attorney fees so wrongfully incurred.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/Matthew Ndonwi MATTHEW NDONWI (P82601) VEN R. JOHNSON (P39219) Attorneys for Plaintiff

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Dated: December 31, 2018

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ILED Received for Filing Oakland County Clerk 1/2/2019 8:00 AM

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/efiling.

#### STATE OF MICHIGAN

## IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SANDRA LANDAU,

2019-170791-NO

Plaintiff,

Case No. 2018- -NO

VS.

Hon, JUDGE NANCI J. GRANT

TARGET CORPORATION,

Defendant.

MATTHEW NDONWI (P82601)
VEN R. JOHNSON (P39219)
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## DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, SANDRA LANDAU, by and through her attorneys,

JOHNSON LAW, PLC, and hereby demands a trial by jury in the above entitled cause.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/Matthew Ndonwi
MATTHEW NDONWI (P82601)
VEN R. JOHNSON (P39219)
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Dated: December 31, 2018

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